

**STATE OF MICHIGAN
DEPARTMENT OF LABOR & ECONOMIC GROWTH
OFFICE OF FINANCIAL AND INSURANCE SERVICES**

Before the Commissioner of the Office of Financial and Insurance Services

In the Matter of:

Enforcement Case No. 04-2953

Allen Boyarsky, General Counsel
CDS Operations, Inc.
3410 Midcourt Road, Suite 108
Carrollton, TX 75006

CDS Operations, Inc.
3410 Midcourt Road, Suite 108
Carrollton, TX 75006

Respondents

Issued and entered
this 6th day of December, 2004
by Linda A. Watters
Commissioner

ORDER TO CEASE AND DESIST

The Office of Financial and Insurance Services (OFIS) of the Michigan Department of Labor & Economic Growth, pursuant to the Administrative Procedures Act, PA 306 of 1969, as amended; MCL 24.201 *et seq.*; the Debt Management Act, PA 148 of 1975, as amended; MCL 451.411 *et seq.* (Act), and the rules promulgated under the Act, R 451.1221 *et seq.*, says that:

**I
BACKGROUND**

1. Allen Boyarsky (Respondent) is an individual, represented as General Counsel for CDS Operations, Inc.
2. CDS Operations, Inc. (Respondent) is a corporation located at 3410 Midcourt Road, Suite 108, Carrollton, TX 75006.

3. At all times herein, Respondent was not licensed by the Office of Financial and Insurance Services (OFIS) as a debt management firm.
4. Respondent is engaged in the business of debt management.
5. Respondent is not licensed in the State of Michigan to engage in the business of debt management.
6. Engaging in unlicensed debt management business in the State of Michigan is a violation of Section 3(1) and 4(1) of the Act, MCL 451.413(1) and MCL 451.414(1).
7. On July 15, 2004, OFIS sent Respondent's general counsel a letter, by certified mail, directed to 3410 Midcourt Road, Suite 108, Carrollton, TX, 75006, requesting the completion of an affidavit attesting to information previously submitted as to CDS Operations, Inc. debt management activities in Michigan. That letter was delivered on July 22, 2004, in Irving, TX 75063.
8. Respondent has not submitted the information OFIS deemed necessary to complete an investigation.
9. Failing to file a written statement with the information the department deems necessary for an investigation is a violation of Section 23(3)(b) and 23(4) of the Act, MCL 451.433(3)(b) and (4).

II

CONCLUSIONS OF LAW

WHEREAS, Section 23 of the Act, MCL 451.433 states that when it appears to the Office of Financial and Insurance Services, either upon complaint or otherwise, that this Act, or a rule promulgated under this Act, has or is about to be violated, it may, in its discretion, either issue a cease and desist order or require the person to file with it a statement in writing, under oath, or otherwise, as to all the facts and circumstances concerning the subject matter which it believes to be in the public interest to investigate those facts, and where appropriate, with or without the request for information, issue a cease and desist order.

WHEREAS, the Commissioner of the Office of Financial and Insurance Services finds that a person must be licensed under Section 3(1) and 4(1) of the Act, MCL 451.413 and 451.414 in order to engage in the business of debt management; and

WHEREAS, a person is required to respond to a request by the OFIS under Section 23(3)(b) and (4) of the Act; MCL 451.433(3)(b) and (4); and

WHEREAS, based on the foregoing, the Commissioner finds that Respondent is engaged in acts and practices that violate Sections 3, 4, and 23 of the Act MCL 451.413, 451.414 and 451.433, and Rules promulgated under the Act; and

WHEREAS, the Commissioner finds this action necessary and appropriate in the public interest for the protection of the public and consistent with the purposes fairly intended by the policy and provisions of the Act.

IT IS THEREFORE ORDERED, pursuant to Section 23(1) of the Act, MCL 451.433(1) that:

The Respondent shall immediately CEASE AND DESIST from transacting debt management business without being licensed under the Act in and from the State of Michigan.

Failure to comply with this ORDER is a misdemeanor and will subject you to the following, for each violation:

- a. A penalty of not more than \$5,000 and or imprisonment for not more than 6 months.
- b. A person who violates a cease and desist order issued pursuant to this Act is guilty of criminal contempt.

Any communication regarding this Order should be addressed to the Office of Financial and Insurance Services, Attention: William Peattie, P.O. Box 30220, Lansing, Michigan 48909.

MICHIGAN DEPARTMENT OF
LABOR AND ECONOMIC GROWTH

By: _____

Linda A. Watters, Commissioner

Office of Financial and Insurance Services